

WILMINGTON JOURNAL.

Monday, February 12, 1848.

AGENCY.—JAMES M. EDMOND, Postmaster at Wilmington, is Agent for this paper, for Edgecombe and the adjoining counties. Mr. E. will take pleasure in receiving new subscribers and receding for any money due in this connection.

Mr. J. M. EDMOND, Postmaster at Clinton, is authorized to receive for any money due in this connection. Mr. J. M. EDMOND, Postmaster at Clinton, is authorized to receive for any money due in this connection. Mr. J. M. EDMOND, Postmaster at Clinton, is authorized to receive for any money due in this connection.

The Norfolk Southern Argus contains the following remarks in regard to the future prosperity of the Old North State, which must result from the carrying out of the measures of Internal Improvement adopted by the recent Legislature:—

NORTH CAROLINA.

"The light is dawning on this good old State, and she is about to assert her importance in rank with her sister States in the Union. The many difficulties under which she has long labored are now fast passing away, and she will soon take the stand, to which she is well entitled from her soil, climate and geographical position, of furnishing a very large portion of commercial business. She is now about to engage in the great work of internal improvement in earnest. No State stands more lamentably in want of it, and no State can commence and prosecute it under more favorable auspices. Her debt is comparatively small;—we could point out two citizens within her limits, who could alone pay it, without subjecting themselves to particular inconvenience. In regard to character and credit, she has an enviable position—standing A. No. 1; and hence she will find no difficulty in effecting a loan to any amount, on the most advantageous terms.

She has a soil rich in all the productions of a Southern climate, capable of raising bread for all of starving Ireland if brought fully under cultivation, being scarce exceeded in quantity of her breadstuffs by any State in the Union, and by none equalled in quality.

Interspersed with mountains, rivers and small streams, furnishing water power to an almost unlimited amount, which as yet is not used to any extent in manufacturing her great staples—wheat, corn and lumber. In her minerals, she can scarce be exceeded by California—gold, and that which is more important, iron, coal, lead and copper, and we believe also, silver. Unfortunately she is surrounded by an iron-bound coast, and these rich treasures have remained undeveloped and unprofitable to her. But she has at length determined to surmount these natural barriers, and to cut her way to market for the surplus of her great products. We wish her a God-speed in the good work."

AN AFFECTING INCIDENT.

At a late meeting of the Orphan's Society of Alexandria, D. C., the Hon. A. H. STEPHENS, of Georgia, was the principal speaker. During his remarks, the following incidents were related, which will be read with interest. It discloses the history of his own birth, and the singular incident which, perhaps, more than any other of his life, led to his present respectability and eminence.—It adds another instance to the many in the history of our country, of self-made men, and teaches a lesson to the young men of our country, that should never suffer them to falter in despair of success if industry, regulated by virtue, is the constant attendant of their actions. "Mr. STEPHENS," says the report, "now proceeded to individualize, stating some deeply interesting facts that came within his own knowledge, of a poor boy, who in a cold January night, with no home-roof to shelter his head, no paternal or maternal guardian to guide or protect and direct him, in his wanderings reached at nightfall the house of a wealthy planter, who kindly took him in, fed, lodged, and sent him on his way with his blessing. Those little kind attentions cheered his heart, and inspired him with fresh courage to battle with the ills and obstacles of life. Years rolled round; Providence led him along; he had reached the legal profession; his hospitable host had died; the circumstances that prey on the substance of man had formed a conspiracy to get away from the widow her estates. She sent for the nearest counsel to commit her cause to him, and that counsel proved to be the orphan boy years before welcomed and entertained by her and her deceased husband. The stimulus of a warm and tenacious gratitude was now added to that of the ordinary motives connected with the profession. He undertook her cause with a will not easily to be resisted; he gained it; the widow's estates were secured to her; and Mr. STEPHENS added, with an emphasis of emotion that sent his electric thrill throughout the house, 'that orphan boy stands before you.' That kind of eloquence which in a natural and striking way takes hold of the present, the visible, the tangible, falls with the greatest power on the human mind. A burst of applause followed this announcement, which probably took most of the audience by surprise, though there were some who could not help anticipating the very conclusion to which he came."

PLATFORM OF THE INCOMING ADMINISTRATION.

The New York Mirror was one of the first Journals in the country that declared in favor of Gen. Taylor, and sustained his election with great spirit and ability throughout the campaign. Since the election of Gen. Taylor that paper holds up the Mirror, not only to the gaze of the Whig party, but likewise to the General himself, where they can behold the course of policy which was shadowed forth when courting the popular favor. Now, that that party have attained to power, most of the Whig journals are attempting to throw the merits of Gen. Taylor in the shade, and are claiming that his election was brought about by the popularity of Whig principles, and are contending that it is the duty of the President elect to make his administration ultra Whig. The Mirror is openly opposed to the arrangement, and to show its sincerity lays down the following chart which it derives from Gen. Taylor's famous letter to Capt. Allison:—Southern Argus.

"I have no private purposes to accomplish, no party prejudices to build up, no enemies to punish—nothing to avenge but my country." "I am a Whig, but not an ultra Whig. If elected, I would not be the mere President of a party. I would endeavor to act independent of party domination. I should feel bound to administer the government, untrammelled by party schemes."

"Upon the subject of the tariff, the currency, the improvement of our great highways, rivers, lakes and harbors, the will of the people, as expressed through their representatives in Congress, ought to be respected and carried out by the Executive."

"I shall engage in no schemes, no combinations, no intrigues."

AN OLD PHILOSOPHER.

We take the following from the Charleston Evening News of Thursday last. If every body felt, thought, and acted, as good old Laurie Todd—Seedsman—there would be no need of an El Dorado in California to raise the drooping spirits. Half the evils and misfortunes of life, if not altogether imaginative, are either the results of our own folly, or can be cured or avoided by good sense and common sense. We commend the extract to young men in particular. There is a good deal of good, hard sense in it, that, in these days of adventure and fortune hunting, are worth millions of easily gotten treasure. We like to read the speculations and the experience of an old septuagenarian like this. It seems like the admonition of a father—of a sober veteran of the old times, risen from the dead to check the extravagance and the intoxication of the new. We bless the Lord that there is at least one sensible man left in "the city."

SCRAPS FROM MY NOTE BOOK.

WRITTEN FOR THE NEWS BY LAURIE TODD. I have thought, Mr. Printer, it's the duty of every member in the body politic to do what in him lies, to promote the well being of those among whom he lives, moves, and has his being. I have thought, too, it's the duty of the elder to hand down to the younger generation the amount of his experience, that thereby they may see and avoid the rocks on which he has split. I also think that many of the sober realities in my life are so checked with the appearance of romance and fiction, that if put on record fifty years hence, some facts which now speak for themselves might then appear like fiction; for instance, if I live to see the 18th day of next month, I will enter my seventy-seventh year. Now my health is as good, my personal feelings as comfortable, mind and memory as clear, as when I was twenty-seven years; and were it not that the shoe pinches by the change of the atmosphere acting on the corns, I verily believe I could walk as far and as fast as at any past period in my life. Now should any repeat this fact fifty years hence, it might be thought a fiction; but now, if any one between Battery Place and Boundary Street have doubts, they may come and see. Does any ask, and how do you live? I answer, I never was once drunk in my life, and I never eat enough; eating enough is only giving work to the doctor and the grave-digger.

Besides, as I have drunk so much more deeply in the cup of pleasure than from the cup of pain, I think it's a debt I owe to the Giver of all good, to let the world know it; my crosses were merely sufficient to give a double relish to the pleasures which followed.

Besides, as so many extracts and mutilated parts of my history mixed with fiction have appeared in Galt's Laurie Todd, Magazine, Reviews, &c., I love it to the public to give a plain statement of facts.

My long and chequered life is summed up in two or three sections. I made two fortunes and lost them, [and that's more than most men can boast], but it was neither by speculation, gambling or riotous living of my youth, but by the act of Gen. Taylor's Coroners says over a dead subject, therefore it never lost me an hour's sleep. The machinery by which these events revolved, will compose the subject of the forthcoming chapters.

WITHOUT REGARD TO FEAR, FAVOR, OR AFFECTION FOR ANY ONE.

These are the bold and noble sentiments uttered by Gen. Taylor to his fellow-citizens of Baton Rouge, on the eve of his departure for the seat of government, to assume the cares & responsibilities of the first office in the world. That they were honestly entertained, we have not the shadow of a doubt; but, we fear, the old General will find it a more easy matter to make the declaration, than to carry it into practice. While he may have a decided repugnance to extreme measures, the party by whom he will be surrounded, flushed with success, will urge upon him the most ruthless proscription, and attempt to renew their wild schemes of policy, and unconstitutional legislation. Whether he will be able to resist the intemperate demands of clamorous partisans, remains to be seen. Already have the party schism at Washington, by way of "preparing the hearts of the people," shadowed forth the Taylor dynasty. Nothing is talked of but the reform duty of the President. The most unrelenting war is to be made upon every Democratic office holder; and instead of the era of good feeling being revived, as promised before the election, we are to have the same scenes exhibited that were presented during the honey-moon of the Harrison administration.

We have seen an extract of a letter from a reliable source, stating that Gen. Taylor has declared that "on entering upon the duties of his office, he will yield the power of appointment to his several cabinet officers in their respective departments;—that none are to be proscribed for opinion's sake, and no removals are to be made on account of party considerations or abuse of office for electioneering purposes." What construction will be placed on the proposed stand by such Whigs of the first water as Clayton, Stewart, and Trueman Smith, it will not be difficult to imagine. The cold steel will not be applied to any body for voting for Gen. Cass, or voting against Gen. Taylor;—none are to be punished for opinion's sake; but Democrats are to be turned out, and Whigs appointed in their place.

THE GOLD REGION.

The New York Herald says, that at least 20,000 persons have left ports on the Pacific for San Francisco, making in the aggregate an emigration equal to nearly thirty thousand in a little more than two months. The Philadelphia Inquirer says:—

This number, with the population previously in the mineral section, will make a total of four thousand. If the whole of these emigrants go to work digging for gold, the production will be only three dollars per day, in such busy days, being thirty-three millions of dollars. We have no doubt that in less than twelve months there will be at least one hundred thousand persons among the mines, engaged in digging for gold, and if these average \$2 per day each, they will produce sixty millions of dollars worth of gold in a year.

We have already a large capital invested in the movement. Millions of dollars are at present locked up in this trade, and millions more will be in the same position before returns are received and commercial operations give the capital activity. The anxious state of mind exhibits estimates made from the best authority, of the amount of capital at present employed in the shipment of passengers and property to California:

Vessels departed, direct and indirect, No. 125	\$2,000,000
Provisions for passengers, \$60 each, No. 7,500	4,500,000
Freight on vessels, \$2,000 each, No. 125	250,000
Value of merchandise on speculation, 2,500,000	
Amount of specie shipped and taken by emigrants, 1,500,000	
Total,	\$6,750,000

This amount of capital is at present absorbed by this movement, and it is increasing at the rate of more than one hundred thousand dollars per day.

Message from the President of the United States, sent to the House of Representatives on the 8th inst.

To the House of Representatives of the U. S.:

In reply to the resolutions of the House of Representatives of the fifth instant, I communicate herewith a report from the Secretary of State, accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico at Guadalupe Hidalgo, on the 2d of February, 1848, and to the amendments of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate, and ratified by the President of the United States. In my message to the House of Representatives of the twenty-ninth of July, 1848, I gave as my reason for declining to furnish these instructions, in compliance with a resolution of the House, that "in my opinion it would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted, whether giving them publicly in our own country, and as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests, yet, as they have been again called for by the House, and called for in connexion with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I entertain the opinion, expressed in the message referred to, "that, as a general rule, applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interests to publish the instructions to our ministers, until some time had elapsed after the conclusion of such negotiations."

In these instructions of the 18th of March, 1848, it will be perceived that the task was assigned to the commissioners of the United States of consummating the treaty of peace, which was signed at Guadalupe Hidalgo, on the second day of February last, and which, on the tenth of March last, was ratified by the Senate with amendments. They were informed "that this brief statement will indicate to you clearly the line of your duty. You are sent to Mexico for the purpose of negotiating a new treaty, or of changing in any particular the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified, except by the authority of that body. Your whole duty will, then, consist in using every honorable effort to obtain from the Mexican government a ratification of the treaty in the form in which it has been ratified by the United States, and which is the most practicable delay." "For this purpose, it may, and most probably will, become necessary that you should explain to the Mexican Minister for Foreign Affairs, or to the authorized agents of the Mexican government, the reasons which have influenced the Senate in adopting these amendments to the treaty."

This duty you will perform, as much as possible, by personal conference. Diplomatic notes are to be avoided, unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification from the Mexican government of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions.

The commissioners were sent to Mexico to procure the ratification of the treaty as amended by the Senate. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican government, and explanations were made by the Secretary of State, in his letter of the 18th of March, 1848, to the Mexican Minister for Foreign Affairs, under my direction. This despatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order. This despatch was transmitted by our commissioners from the city of Mexico to the Mexican government, then at Queretaro, on the 17th of April, 1848, and its receipt was acknowledged on the 25th of May. During the whole time that the treaty, as amended, was before the Congress of Mexico, these explanations of the Secretary of State, and these alone, were before them.

The President of Mexico, on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican Congress, and on the 25th of May that Congress approved of the said treaty, with the modifications and amendments thereto. The final action of the Mexican Congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any conference with them, or had any other communication on the subject of the treaty, except to transmit the letter of the Secretary of State.

In their despatch transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May 25th, 1848, 9 o'clock p. m.," the commissioners say: "We have the satisfaction to inform you that we reached this city this afternoon at about 5 o'clock, and that the treaty, as amended by the Senate of the United States, passed the Mexican Senate about the hour of our arrival by a vote of 33 to 10. Having previously passed the House of Deputies, nothing now remains but to exchange the ratifications of the treaty."

On the next day, (the 26th of May,) the commissioners were for the first time presented to the President of the republic and their credentials placed in his hands. On this occasion the commissioners delivered an address to the President of Mexico, and he replied:—"In their despatch of the 30th of May the commissioners say: 'We enclose a copy of our address to the President, and also a copy of the ratification of the treaty by the Mexican Congress.' I have read the address, and I am glad to see that it contains no allusion to the subject of the treaty, and that it is not necessary to recapitulate, as we enclose a copy of the Protocol which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to-day." This despatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the United States, with the accompanying papers, and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July I communicated to Congress the ratified treaty, with the accompanying documents, and I deemed it material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the Commissioners, nor the reply of the President of Mexico on the occasion of their presentation, nor the memorandum of conversations embraced in the paper called a Protocol, nor the correspondence now sent, were communicated, because they were not regarded as the practice of our government, and, if ever, happens that all the correspondence, and especially the instructions to our ministers, is communicated. Copies of these papers are now transmitted as being within the resolutions of the House, calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first instalment of three millions paid to Mexico, the blockades were raised, the city of Mexico evacuated, and our troops on their return home. It was at an end, and the treaty, as ratified by the Senate, was being binding on both parties, and already executed in a great degree. In this condition of things, it was not competent for the President alone, or

for the President and Senate, or for the President, Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace, and restore a state of war, except by a solemn declaration of war.

Had the Protocol varied the treaty as amended by the Senate of the United States, it would have been a binding effect. It was obvious that the commissioners of the United States did not regard the Protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican Congress had ratified the treaty, and they knew that the approval of the Mexican Congress was as essential to the validity of a treaty in all its parts, as the advice and consent of the Senate of the United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that if failing to procure the ratification of the Mexican government, otherwise than with amendments, their duty might be expressed in the words of the Secretary of State, "to delay a commissioner to Washington to exchange ratifications here, if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States."

I was equally well satisfied that the government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the Protocol as modifying, altering, or diminishing the treaty, or as effecting the ratification of the treaty by Mexico, on being submitted, should be adopted by the Senate of the United States. The President of the Mexican Congress, in his message to the Mexican Congress, on the 8th day of May, 1848, said: "If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction at seeing the war at last brought to an end would not have been lessened, as on this day is, in consequence of the modifications introduced into the treaty by the Senate of the United States, and which have received the sanction of the President." "At present it is sufficient for us to say to you, that if in the opinion of the government justice had not been evinced on the part of the Senate and government of the United States, in introducing such modifications, it is presumed, on the other hand, that they are not of such import, that they should set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected nor considered possible; much less could another be brought forward upon a basis more favorable for the republic."

The deliberations of the Mexican Congress were held before the ratification of the treaty by the United States except the letter of the Secretary of State, resulted in the ratification of the treaty as recommended by the President of the United States, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a Protocol, were held after the ratification of the treaty by the Mexican Congress was complete, and there is no reason to suppose that the government of Mexico ever submitted the Protocol to the Congress, or ever treated it or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican Congress; and such approval was never made or intended by the United States. It is simply the consummation of the ratification of the treaty by the President of Mexico, no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to that government by the Secretary of State, and after the ratification of the treaty by the Mexican Congress. It declares that, "having seen and examined the said treaty, and the modifications made by the Senate of the United States of America, and having given an account thereof to the general Congress, conformably to the requirement in the 14th paragraph of the 11th article of the federal constitution of these United States, that body has thought proper to approve of the said treaty, with the modifications thereto, in all their parts; and in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify, and confirm the said treaty with its modifications, and promise, in the name of the Mexican republic, to fulfill and observe it, and cause it to be fulfilled and observed."

Upon an examination of this Protocol, when it was received with the ratified treaty, I did not regard it as material, or as in any way attempting to modify or change the treaty, as it had been amended by the Senate of the United States. The first explanation which it contains is, "that the American government, by suppressing the ninth article of the treaty of Guadalupe, and substituting the third article of the treaty of Louisiana, did not intend to diminish, in any way, what was agreed upon by the plenipotentiaries of the United States. Its object was, that all of the territory contained in the third article of the treaty of Louisiana, in consequence, all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the ninth article of the treaty had been retained, will be enjoyed by them without any difference under the article which has been substituted."

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories, and their admission into the Union, "as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States." It provided, also, that in the mean time they should be maintained "in the enjoyment of their liberty, their property, and the civil rights now vested in them, according to the Mexican laws."

It secured to them similar political rights to the inhabitants of the other territories of the United States, and that the inhabitants of Louisiana and Florida, who were in a territorial condition, it then proceeded to guarantee that ecclesiastical and religious corporations should be protected in the discharge of the offices of their ministry, and the enjoyment of their property of every kind, whether individual or corporate; and, finally, that there should be a free communication between the civil and ecclesiastical authorities, and that the ecclesiastical authorities should reside within the limits of the Mexican Republic, as defined by this treaty."

The ninth article of the treaty as adopted by the Senate is much more comprehensive in its terms, and explicit in its meaning, and it clearly embraces, in comparatively few words, all the guarantees inserted in the original article. It is as follows:—"The Mexican government, the ratifiers aforesaid, shall not presume to alter the rights of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted, at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secure in the free exercise of their religion without restriction." This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union; and in the mean time, whilst they shall remain in a territorial state, by a sweeping provision protects them in the free enjoyment of their liberty and property, and secure in the free exercise of their religion without restriction."

This guarantee embraces every kind of property, whether held by ecclesiastical or laymen,

whether belonging to corporations, or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican republic, or the ceded territories. It was, it is presumed, to place this construction beyond all question, that the Senate superadded the words "without restriction" to the religious guarantee contained in the corresponding article of the Louisiana treaty.—Congress itself does not possess the power, under the constitution, to make any law prohibiting the free exercise of religion. The original article of the treaty, whether in its original or amended form, had been entirely optional in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the constitution and laws of the United States.

The Protocol asserts that "the American government, by suppressing the tenth article of the treaty of Guadalupe, did not intend to annul the grants of land made by Mexico in the ceded territories;" that "these grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess; and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then proceeds to state, that "conformably to the law of the United States, legitimate titles of every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New Mexico up to the thirteenth of May, 1846; and in Texas, up to the second of March, 1836."

The former was the date of the declaration of war against Mexico, and the latter that of the declaration of independence by Texas. The objection to the tenth article of the original treaty, which was itself repealed by the act of the Mexican Congress, was equally protected without it, but that it most unjustly attempted to resuscitate grants which had become a mere nullity, by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their acquisition, for those who were performing the conditions which they had been made. In submitting the treaty to the Senate, I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the Minister for Foreign Affairs of Mexico, and was in possession of the Mexican government during the whole period the treaty was before the Mexican Congress, and should have been reported by the latter in the strongest terms. Besides, our commissioners to Mexico had been instructed that "neither the President nor the Senate of the United States can ever consent to ratify any treaty containing the 10th article of the treaty of Guadalupe Hidalgo in favor of grantees of land in Texas or elsewhere." And again "Should the Mexican government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance."

On this point the language of the Protocol is free from ambiguity; but if it were otherwise, is there any individual, American or Mexican, who would place such a construction upon it as to convert it into a vain attempt to revive this article which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States, or the Mexican Minister for Foreign Affairs, ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the Protocol is plain. It is simply that the nullification of this article was not intended to destroy valid legitimate titles to land which existed and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to "preserve the legal value which they may possess." The refusal to receive grants which had become extinct was not to invalidate titles which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the Protocol, is manifest from the fact, that whilst they struck from the treaty this unjust article, they at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that, "In the said territories property of every kind, now belonging to the United States, shall be retained in the hands of the present owners, and the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States."

Without any stipulation in the treaty to this effect, all such valid titles under the Mexican government would have been protected under the constitution and laws of the U. S.

The third and last explanation contained in the Protocol is, that "the government of the United States, by suppressing the concluding paragraph of article twelfth of the treaty, did not intend to deprive the Mexican republic of the free and unrestrained faculty of selling, conveying, or transferring, at any time, (as may be judged best,) the sum of twelve millions of dollars, which the same government of the United States is to deliver in the places designated in the said article."

The concluding paragraph, or rather sentence, of the original twelfth article this suppressed by the Senate, is in the following language:—"Certificates, in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States."

This bare statement of facts the meaning of the Protocol is obvious. Although the Senate had declined to create a government stock for the twelve millions of dollars, and issue transferable certificates for the amount, in such sums as the Mexican government might desire; yet they could not have intended thereby to deprive that government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debt, whatever this may be worth, according to its value and pleasure.

It cannot be doubted that the twelfth article of the treaty, as it now stands, contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican republic twelve millions of dollars in four equal annual instalments of three millions each. This obligation may be assigned by the Mexican government to any person or persons; the assignee, in such case, will stand in no better condition than that government. The amendment of the Senate, prohibiting the issue of a government transferable stock for the amount, produces this effect, and no more.

The Protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money in case the consideration should fail which is stated on the face of the obligation.

With this view of the whole Protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it been otherwise, the terms of the treaty as amended by the Senate, although it would even then have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican Minister for Foreign Affairs, and communicated in a despatch to the State Department.

JAMES K. POLK.
Washington, February 8, 1849.

ENGAGEMENT OF THE MISSISSIPPI RIFLEMEN.

After the Mexicans had failed in their attack on Buena Vista, they made a determined effort to force their way to the road at a point nearer the plateau. They brought down from near the mountains opposite the hacienda, a fresh brigade of cavalry, covered by infantry in all its passages of ravines. With this they advanced to engage the Mississippi riflemen, the fragment of the 2d Indiana volunteers, and the 3d regiment of the same, who were still acting together, and who had near them one howitzer under Captain Sherman. The position of these troops was some five hundred yards nearer the road than the point where Col. Davis's regiment was first engaged in the morning, but farther down the same ravine. As soon as this new brigade indicated, by the manner of its approach, its determination to charge our riflemen and infantry, they were rapidly formed to receive it. The Mississippi regiment, in line of battle, extending across the little plain upon which they now were—their right being near the ravine, their front toward the mountains; the Indiana troops were formed so that their left rested on the right of Col. Davis's regiment, their right upon the ravine higher up, their front being also towards the mountains but more to the north. In this way, an oblique re-entering angle was presented towards the approaching cavalry. Sherman's howitzer being on the left. The enemy was formed in close column of squadrons, and came down the slope at an easy-hand gallop. His ranks were well closed, his troopers riding knee to knee, and dressing handsomely on their guides. All the flags and pennons were flying—some fifteen hundred of them—the men were in full uniform, and the horses elegantly caparisoned. Every lancer sat erect and kept his charger well in hand, and the whole brigade, preserving exactly its intervals, and direction of its march, moved forward with the ease and regularity of the best drilled troops on a field day. Had the commander of this beautiful brigade desired to win the applause of both armies, he could not have put it in better order, or led his men on with more of professional style. The tout ensemble of his column was most admirable. It had a sort of air about it—an easy nonchalant manner of going into the work—which could not but recall to one's mind his ideal pictures of the cavalry of the olden days. Those fine fellows were the chivalry of Mexico, and, with the exception of the President's personal guard—the regiment of Hussars—they were the most dashing troops the Republic ever sent to the field. Opposed to them, were our men on foot—a mere handful in comparison, and having about them none of the "pomp and circumstance," the glitter, and gold, and feathers, and tassels, of their antagonists. They stood calmly and fearlessly still, with their pieces at a carry. But they, too, had an air; one that had mischief in it. Their ranks had been thinned out; some of their best men had fallen. There was even fathers standing there, whose sons had gone down by their sides—their pet boys, whom they had reared and brought forth to fight for their country. And there were sons, too, whose clothes had been baptised by their father's blood, not yet dry. Brothers, who had stood shoulder to shoulder in the morning, stood so no more; but while one lay stark and motionless upon the earth, the other was near by to avenge him.—There were neighbors, too, and friends, who had grown up together in school boy days. They were not yet separated.—The survivors stood there, while those who had borne all these tender relations to them were stricken, dead or dying, on every hand. Yet all in sight they lay—the familiar forms and faces to whom they had been deeply attached, and whom they called by their first names from their infamy. It cannot be wondered, that these men stood firm.

It was a sublime, a terrible sight. The troops on both sides were so cool and determined, that all knew the struggle must be sanguinary and desperate in the extreme. Not a word was spoken; the din of the "rounding battle seemed for a moment hushed; the rumbling sound of the earth, as the brigade swept onward like a living thunderbolt, appeared to be the only audible manifestation of the approaching carnage. As the Mexicans came nearer, they evidently indulged the belief that they could draw the fire of our men before it could be very destructive; and that then while the pieces were empty, they could overwhelm the slight barrier before them, and finish their work with the lance. But finding, on the contrary, that not a piece was discharged, nor a man moving, the whole brigade began instinctively to diminish its gait. This was a fatal mistake; and on their side it seemed a very great pity it should have been made, it was so out of keeping with the skill indicated by their soldierly appearance and gallant bearing. Finally, instead of dashing forward in a most splendid charge, as they could have done, having the ground upon which to execute it, they had the madness to pull up to a walk, and at length to halt, in the very net-work of the two lines of fire. The instant they did so, the pieces came down on both faces of the angle as if swayed by the same hand. For a moment their muzzles moved slowly about, as each man felt for his aim; then they settled as steady and firm as brass or steel. Now, like the blast of a trumpet, the dreadful word was shouted—FIRE! The sheets of the flame converged on that beautiful brigade.

It was appalling! The whole head of the column was prostrated, and riderless horses, a multitude, and crimson with blood, scattered with it in every direction. Before the Mexicans could recover from the effects of this blow, Sherman cut them up with grape and canister. Then came the rapid and deadly firing by file of our riflemen and infantry. No troops in the world could have faced it without the most awful sacrifice of life; and under it the whole brigade gave way, and fled towards the mountains, leaving the ground literally covered with its dead.

In this affair, had it not been for that unaccountable and suicidal pulling up to a halt, before a body of the best marksmen in the world, and distance only eighty

yards—had this compact mass of cavalry in room of doing thus, dashed at speed to the angle that was before them, it would have lost many men no doubt; but it is difficult to conceive what could have saved the Mississippi and Indiana troops from destruction. And, had so large a force broken through our lines and into the plain, the fate of Buena Vista would again be placed in a properly painful to contemplate.—From *Carleton's "Rattle of Buena Vista."*

Raffling for a Woman.—A young man residing in the upper part of the city, not long since desperately attacked with gold fever. The Sacramento and the gold sands were ever before her eyes, but though handsome and of unblemished reputation, she was entirely without means of accomplishing her wishes. In passing a passage to California than at any time. Fortunately at last she became acquainted with a party of young men who were going on board one of the vessels bound for San Francisco. They visited her, and at once agreed to raffle for her. The amount paid for chances was to be given to her, and the fortunate fellow who was to marry her, before leaving the city. If she did not fancy the person on whom the lot fell, then she was to pay her own passage out, and under the protection of the whole party was to cook and wash for them. The money was accordingly raised, and the girl raffled for. There was one person whom she hoped would win, but his fate was against her choice. A shoemaker won her. The girl would marry him, but true to her promise, she wrote a